

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:21-cr-48-TBM-RHWR

DANA DWAYNE JOHNSON

ORDER

Before the Court is Defendant Dana Dwayne Johnson's Motion [39] to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. Pursuant to Rule 4 of the Rules Governing Section 2255 Proceedings for the United States Courts, preliminary consideration of Petitioner's claims established that summary dismissal is not warranted.

IT IS THEREFORE ORDERED AND ADJUDGED that the Government furnish a copy of this Order and Petitioner's Motion [39] to Vacate under 28 U.S.C. § 2255 to the appropriate former counsel for the Petitioner. Any former counsel so furnished shall respond to the Petitioner's allegations within forty-five (45) days of this Order by filing a written affidavit responding to the allegations in Defendant's Motion to Vacate under 28 U.S.C. § 2255 and shall provide a copy of the affidavit to the Government. The Court further and specifically finds that the Petitioner has waived his right to claim attorney-client privilege in regard to these proceedings.

IT IS FURTHER ORDERED that the United States Attorney for the Southern District of Mississippi shall file an answer or other responsive pleading to Petitioner's pleadings within thirty (30) days after receipt of the affidavit filed by Petitioner's former counsel and shall forward a copy of same to Petitioner. The answer shall be in the form provided by Rule 5(a) of the § 2255 Rules.

IT IS FURTHER ORDERED that the Petitioner must immediately notify the Clerk of Court and the United States Attorney of any change in his address. He shall caption any such change of address advisories as “A Notice to the Court of Change of Address” and not include any motions or other matters in such notice. This notice shall contain only information pertaining to the address change and the effective date of such change of address. Failure by Petitioner to immediately notify the Clerk of Court and the United States Attorney of any change in Petitioner’s mailing address may be interpreted by the Court as a failure to prosecute and may result in recommendation of the dismissal of Petitioner’s Motion.

THIS, the 24th day of April, 2023.


TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE